

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2043 - SB 1997**

February 15, 2022

**SUMMARY OF BILL:** Adds Tianeptine to the list of Schedule II controlled substances.

**FISCAL IMPACT:**

**Increase State Expenditures – \$95,900 Incarceration**

Assumptions:

- The National Poison Data System (NPDS) reports a significant increase in tianeptine exposure calls between 2014 and 2017, as follows:
  - 2014: 5
  - 2015: 38
  - 2016: 83
  - 2017: 81
- Based on information located on the Drug Enforcement Agency's (DEA) website, there were 29 reports from state and local forensic laboratories of tianeptine from 2017 to 2018. Further, there have been at least two reported fatalities associated with tianeptine which occurred in Texas.
- Pursuant to Tenn. Code Ann. § 39-17-417(c)(2)(A), manufacturing, delivering, selling, or possessing a schedule II controlled substance is a Class C felony with a maximum fine of \$100,000.
- It is reasonably assumed the proposed legislation will result in three additional Class C felony admissions each year.
- The average time served for a Class C felony offense is 1.59 years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).
- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The estimated increase in incarceration costs are estimated to be the following over the next ten-year period:

| Increase in State Expenditures |             |
|--------------------------------|-------------|
| Amount                         | Fiscal Year |
| \$ 55,400                      | FY22-23     |
| \$ 88,800                      | FY23-24     |
| \$ 89,400                      | FY24-25     |
| \$ 90,400                      | FY25-26     |
| \$ 91,300                      | FY26-27     |
| \$ 92,400                      | FY27-28     |
| \$ 92,900                      | FY28-29     |
| \$ 94,000                      | FY29-30     |
| \$ 94,800                      | FY30-31     |
| \$ 95,900                      | FY31-32     |

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$95,900.
- Based on the Fiscal Review Committee's 2008 study and the Administrative Office of the Courts' 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. The proposed legislation will not significantly change state or local revenue.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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